

MINUTES

ALCOHOL AND TOBACCO COMMISSION

FEBRUARY 5, 2013

CALL TO ORDER/NOTING OF QUORUM

Chairman Huskey called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Sturtz and Commissioner Grubb. Also in attendance were Superintendent Strittmatter and Executive Secretary Kowalski.

Diane Masariu, Matt Brase, Lisa McKinney, Alex Intermill, Marc Carmichael, Debbie Rolfsen, Jeff McKean, Mark Webb, and Bart Herriman were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the January 15, 2013 meeting. Commissioner Grubb seconded. The motion was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PARTIES' AGREED DISPOSITIONS – Commissioner Grubb moved to approve the parties' agreed dispositions that were submitted for the February 5, 2013 meeting. Vice Chairman Johnson seconded. The motion was unanimously approved.

CONSIDERATION OF APPLICATIONS

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits for renewal, either with or without a quorum at the local board meeting, which have been recommended by local boards and reviewed by our staff with the authority of the Commission. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for a new permit, or applications for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners. Vice Chairman Johnson seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permit applications for catering. Commissioner Grubb seconded. The motion was unanimously approved.

Commissioner Sturtz moved to approve and incorporate by reference these lists of permits to be placed in escrow for not more than five years, which have been reviewed and recommended by a Commissioner as appropriate for escrow. Vice Chairman Johnson seconded. The motion was unanimously approved.

Five hundred eighty-one (581) permits approved for renewal, forty-three (43) new and/or transfer permits approved, five (5) permits approved for catering, four (4) permits approved for first year escrow,

six (6) permits approved for second year escrow, four (4) permits approved for third year escrow, one (1) permit approved for fourth year escrow and four (4) permits approved for fifth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Grubb moved to approve the renewal and fee waived letters of extension for the preceding weeks. Commissioner Sturtz seconded. The motion was unanimously approved.

APPLICATIONS FOR DISCUSSION

CH49-29406 TIENDA MORELOS STORE #1, INC. – Vice Chairman Johnson noted this is a new type 230 application with the local board voting three (3) to zero (0) to disapprove.

Vice Chairman Johnson moved to uphold the local board’s recommendation to deny the new permit. Commissioner Sturtz seconded. The motion was unanimously approved.

DL47-29562 D & SS COUNTRY STORE, INC. – Vice Chairman Johnson noted this is a new type 116 application with the local board voting three (3) to zero (0) to disapprove.

Vice Chairman Johnson moved to uphold the local board’s recommendation to deny this new permit. Commissioner Grubb seconded. The motion was unanimously approved.

RR34-03931 DAN THE MAN, LLC – Vice Chairman Johnson noted this is a type 210 renewal application with the local board voting two (2) to two (2).

Vice Chairman Johnson stated the reasons given for the two votes recommending denial are poor character and repute of the owner in the community.

Commissioner Sturtz stated the only violations that occurred regarding this permit dealt with mislabeling kegs, which led to selling a more expensive beer at a lower cost.

Chairman Huskey stated this community has had issues in the past regarding this type of adult entertainment business. The Chair gave a reminder that this agency only licenses the alcoholic beverage permit.

Vice Chairman Johnson moved to approve the renewal of this permit. Commissioner Sturtz seconded. The motion was unanimously approved.

DL52-29536 DOLGENCORP, LLC – Vice Chairman Johnson noted this is a new type 115 application with the local board voting four (4) to zero (0) to approve.

Vice Chairman Johnson moved to uphold the local board’s recommendation to approve the new application. Commissioner Grubb seconded. The motion was unanimously approved.

DL49-05958 ROQUIL, INC. AND EKJYOT, LLC – Vice Chairman Johnson noted this is a type 217 renewal that was tabled from previous meetings and a transfer of ownership. The local board recommended approval of the renewal by a three (3) to one (1) vote and recommended approval of the transfer by a four (4) to zero (0) vote.

Vice Chairman Johnson moved to uphold the local board's recommendation to approve the renewal and transfer of ownership. Commissioner Sturtz seconded. The motion was unanimously approved.

INACTIVE FILES

Commissioner Grubb moved to make twenty (20) permits inactive. Fifteen (15) permits are not subject to auction and five (5) permits are subject to auction. Vice Chairman Johnson seconded. The motion was unanimously approved.

OLD BUSINESS

No Old Business.

NEW BUSINESS

REVOCATION OF EMPLOYEE PERMITS – Vice Chairman Johnson stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Tammy L. Lee, permit #BR1437091.

Vice Chairman Johnson stated after conducting an investigation of the permittee, Senior Officer Rich Swallow recommended the Commission revoke the permit.

Vice Chairman Johnson moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Sturtz seconded. The motion was unanimously approved.

Vice Chairman Johnson stated the following permittee was convicted of a disqualifying crime after this employee permit was issued: Jesse L. Emrich, permit #BR1729299.

Vice Chairman Johnson stated after conducting an investigation of the permittee, Senior Officer Rich Swallow recommended the Commission revoke the permit.

Vice Chairman Johnson moved to uphold the recommendation of Officer Swallow and revoke the employee permit. Commissioner Grubb seconded. The motion was unanimously approved.

2012 INDIANA STATE EXCISE POLICE ANNUAL REPORT – Superintendent Strittmatter stated the Excise police were very busy in 2012, as shown in the Report. The Superintendent highlighted a few of the items, including seizure of more than \$3,000,000.00 from businesses in Lawrenceburg, charged with corrupt business influence, money laundering, forgery and other charges, decreased violations for SAC and reduced citations to various industry members. Also mentioned was the fact that alcohol related crashes are down in the six communities where the ICE program is being utilized. Superintendent Strittmatter complimented all of the officers in each district on their hard work.

Commissioner Grubb moved to accept the Report. Commissioner Sturtz seconded. The motion was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Commissioner Grubb seconded. The motion was unanimously approved.

Approved this _____ day of _____, 2013.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

DALE GRUBB, COMMISSIONER